



May 18, 1999

Mr. Mark A. Walker
Senior Attorney
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

OR99-1365

Dear Mr. Walker:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124146.

The Lower Colorado River Authority (the "LCRA") received a request from Save Our Springs Alliance for information related to a proposed water supply system. You indicate that you have furnished the requestor with most of the information requested. However, you seek to withhold information about real property which may be related to the proposed project. You have supplied the information you seek to withhold to our office for review, asserting that it is excepted from public disclosure by Government Code section 552.105.

Section 552.105 excepts from required public disclosure information relating to

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

This exception protects a governmental body's planning and negotiating position with respect to particular transactions and its protection is therefore limited in duration. Open Records Decision No. 357 (1982). The exception extends to all information *related* to the location or cost of property to be acquired, including all proposed plans, locations and cost

estimates, until the project is completed; all factual information relating to the project must be made available to the public on completion of the project. *See* Open Records Decision Nos. 564 (1990), 234 (1980).

To show the applicability of section 552.105, a governmental body must make a good faith determination that the release of information could damage its negotiating position with respect to the acquisition of property, subject to review by this office. Open Records Decision No. 564 (1990). You have attested to such a determination vis-a-vis the subject information. We have reviewed the information at issue and your arguments, and agree that you may withhold the information from disclosure under section 552.105.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns".

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 124146

encl. Submitted documents

cc: Mr. William Bunch
Save Our Springs Alliance
P.O. Box 684881
Austin, Texas 78768
(w/o enclosures)